



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,346	03/18/2002	Jeremy M Bowskill	36-1539	9243
7590	12/03/2004		EXAMINER	
Nixon & Vanderhye 8th Floor 1100 North Glebe Road Arlington, VA 22201-4714			BONSHOCK, DENNIS G	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/088,346	BOWSKILL ET AL.
	Examiner	Art Unit
	Dennis G. Bonshock	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 March 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-20-2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nitta, patent #5,347,306 and Filo et al., patent #6,215,498, hereinafter Filo.

3. With regard to claim 1, which teaches a mobile interface device for accessing a computer comprising: a user interface having a visual display means and an audio output means, Nitta teaches, in column 4, lines 43-45 and in column 7, lines 20-30, a interface device comprising a display means and a speaker system. With regard to claim 1, further teaching a physical detector for detecting attributes indicative of the physical context of a user of the device, Nitta teaches, in column 3, lines 25-32, a sensing device for detecting physical attributes of the user. With regard to claim 1, further teaching the user interface being responsive to an output of the physical detector in respect of the user to make a corresponding adjustment to output by the visual display means and/or the audio output means, Nitta teaches, in column 3, lines 1-16, lines 35-39, and lines 51-57, adjusting the interface and/or the sound production based on feedback from the sensing devices. Nitta, however doesn't teach a mobile interface device. Filo teaches, in column 2, lines 37 through column 3, line 23, a virtual environment for a teleconference similar to that of Nitta, but further teaches the end

points being mobile (see column 6, lines 10-32 and in column 18, lines 42-51). It would have been obvious to one of ordinary skill in the art, having the teachings of Nitta and Filo before him at the time the invention was made to modify the interface device of Nitta to include the mobile functionality of Filo. One would have been motivated to make such a combination because a mobile teleconference system would provide users with a means of not being tied down to a specific physical location, in their communication with others.

4. With regard to claim 2, which teaches the user interface being responsive to an output of the physical detector indicating that the user is not substantially stationary, to inhibit output by the visual display, Nitta teaches, in column 5, lines 51-57, individual's movements and gestures effecting the animation of graphics.

5. With regard to claim 3, which teaches the user interface being responsive to output by the physical detector indicative of ambient noise in the vicinity of the user to make a compensatory adjustment to output by the audio output means, Nitta teaches, in column 3, lines 25-39, column 7, lines 20-26, and column 6, lines 41-50, sound being steered toward the individual determined to be speaking.

6. With regard to claim 4, which teaches the physical detector further comprising means to detect location attributes of the user, Nitta teaches, in column 3, lines 1-16, the sensors detecting a position of a user. Filo further teaches, in column 18, lines 42-51, an input source being a Global Positioning Satellite.

7. With regard to claim 5, which teaches the physical detector being arranged to detect when the user is located in a building, Nitta teaches, in column 3, lines 1-16 and

in column 6, lines 62 through column 7, line 6, the sensors detecting a position of a user. Filo further teaches, in column 18, lines 42-51, an input source being a Global Positioning Satellite. Where knowing the location of a user and the location of a building it could obviously be determined if a user in a building.

8. With regard to claim 6, which teaches a mobile device including a store for storing predetermined information corresponding to one or more location attributes detectable by the physical detector and wherein the user interface is arranged to adjust output by the visual display means and/or the audio output means in dependence upon an output by the physical detector relating to location of the user and to corresponding information stored in the store, Nitta teaches, in column 7, lines 7-13, lines 48-51, and in column 3, lines 40-61, adjusting the output to the display and/or speakers based on sensor inputs and corresponding information in the pre-stored animation graphics database.

9. With regard to claim 7, which teaches the predetermined information identifying a corresponding location type and wherein the user interface is responsive to an identified location type to output a corresponding alert at the audio output means, Nitta teaches, in column 3, lines 25-39, column 7, lines 20-26, and column 6, lines 41-50, sound being steered toward the individual determined to be speaking, through either lip movement or speaking sensor sound recognition.

10. With regard to claim 8, which teaches the system being implemented with a mobile teleconferencing apparatus comprising a mobile interface device, Nitta, however doesn't teach a mobile interface device. Filo teaches, in column 2, lines 37 through

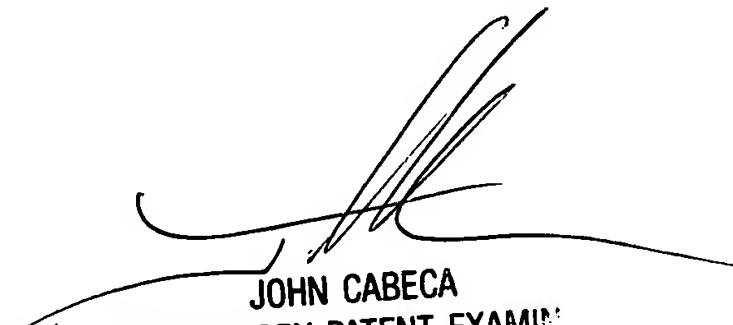
column 3, line 23, a virtual environment for a teleconference similar to that of Nitta, but further teaches the end points being mobile (see column 6, lines 10-32 and in column 18, lines 42-51). It would have been obvious to one of ordinary skill in the art, having the teachings of Nitta and Filo before him at the time the invention was made to modify the interface device of Nitta to include the mobile functionality of Filo. One would have been motivated to make such a combination because a mobile teleconference system would provide users with a means of not being tied down to a specific physical location, in their communication with others.

Conclusion

11. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems for providing a sensory input that affects output of a computing device.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11-19-04
dgb



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 13